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ABSTRACT

This report is the result of questionnaires sent to members of the National Association of State Universities and Land-Grant Colleges and supplementary research. The first part generally describes various types of legislation, while the second part presents a state-by-state description of the individual bills passed. The report shows that approximately two-thirds of the 47 states whose legislatures met in 1969 adopted measures to deal with campus disturbances. More than 15 states passed laws providing penalties for those who take part in campus disorders which interfere with normal college activities. Some states limited this type of legislation to public institutions, while others applied it to all. At least 8 states permitted or directed financial aid to be withdrawn from students involved in campus disruptions, and over 6 states banned firearms from campuses. Five states enacted legislation to allow barring individuals who are not part of the university community from campuses. Some states required or requested the chief campus officer or school administration to take various forms of punitive action with disruptive students. Several states made provisions requiring or requesting college boards of trustees to set up rules of conduct for their campuses. It is noted that relatively few bills were passed in 1969 state legislatures in comparison with the hundreds that were introduced. (DS)

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STATE LAWS OF 1969 DEALING WITH STUDENT UNREST

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1969 has been a year of unusual legislative activity throughout the country in the area of student unrest and campus disorders. California alone had more than 80 bills introduced dealing with this subject, and although the number of bills introduced elsewhere was considerably more modest, the states which did not have at least a few bills introduced could be counted on the fingers of one hand.

Several surveys have been made of legislative measures related to student unrest, but prior to this one none have been based upon responses from each of the 50 states (47 of whose state legislatures met in regular session this year). The impetus for this report came from a questionnaire sent out to members of the National Association of State Universities and Land Grant Colleges by Edwin Crawford, Director of the Office of Institutional Research, during the summer. The data received at that time has since been supplemented so that the material in this report should be substantially accurate as of the first of November. The number of bills finally enacted can be expected to increase somewhat, since many governors have still not signed or vetoed disorder-prompted bills.

One of the legislative phenomena which is obvious when studying the various experiences of the several states with legislation stemming from civil disorders is the relatively small total

of disorder bills which finally became law. Despite the hundreds of bills which were introduced this year, it seems obvious when looking at the results of the legislative activity (see the second segment of this report) that judicious use of restraint by governors and legislative leaders has kept and will keep the number of laws enacted in 1969 in this area down to less than two per state. It should be noted also that not all of the bills listed or referred to in this report were looked upon with dread by university administrators. Several of the new laws were actively supported by public colleges and universities, in most cases with the hope that they would provide additional help in combating future disturbances.

More than 15 states passed laws this year providing for penalties for those who take part in campus disorders which interfere with normal college activities. Some states limited the legislation to public colleges and universities, while others applied the bills to all institutions of higher learning. A few states, such as Nevada, broadened the legislation to include <u>all</u> public buildings.

Another method used by legislators interested in campus disorders was to take away financial aid from students involved in disorders. At least 8 states have new laws on their books permitting or directing financial aid be taken away under certain circumstances. Some states allow discretion to the university officials, others do not. Such bills have been vetoed to date in at least 3 states.

Perhaps mainly as a result of the well-publicized display of firearms on the Cornell University campus earlier this year, at least half a dozen states have enacted laws banning firearms on college campuses. Massachusetts and South Carolina passed laws to cover molotov cocktails too. (Note: A large number of public institutions have specifically barred firearms, etc. from their campuses independently of legislative action).

The belief that many colleges do not have rules and regulations which tell a student what he really may or may not do has prompted legislative action in a number of states to request or require college boards of trustees to set up rules of conduct for the campuses over which they have responsibility. At least 5 states now have such provisions as part of their laws of 1969.

Another form of legislation which has met with a little better than modest success requires, or in some cases requests, the chief campus officer or the school administration to punish disruptive students.

Concern with the role of non-students in campus disturbances has led to enactment in 5 states in 1969 alone of legislation allowing the barring from the campus of individuals who are not part of the university community. Some states also have enacted statutes preventing suspended or expelled students from entering their former campus without permission.

A number of state legislatures took the investigative route in trying to deal with disturbances. In New York a special state

commission to study the causes of student unrest was created.

Another important law enacted around the country allows the chief campus officer (or the governor in at least one case) to declare a state of emergency. A new North Carolina law sets up the possible use of injunctive relief by college officials.

The following state-by-state breakdown shows that roughly two-thirds of the 47 states whose legislatures met this year adopted measures to deal with campus disturbances.

LAWS ENACTED IN 1969 TO DEAL WITH CAMPUS DISORDERS AND STUDENT UNREST

Alabama - No legislation enacted.

Alaska - No legislation enacted.

Arizona - No legislation enacted. (A riot control measure passed last year.)

Arkansas -

H.B. 588 - Provides criminal penalties for persons engaging in violent campus disruptions at the state's public and private universities.

California -

A.B. 534 - Any student or employee suspended or dismissed for involvement in a campus disruption and who is advised that he shall not enter the campus is guilty of a misdemeanor if he enters. Also, any person other than a student, officer, or employee directed to leave by the chief campus officer must stay off campus for 72 hours. Restates existing law that anyone who disrupts the quiet of a campus is guilty of a misdemeanor.

A.B. 1286 - Requires the chief campus officer to take disciplinary action against any student, faculty member, or employee convicted of or found by a campus disciplinary body to have committed a disruptive act. Allows the chief campus officer to declare a "state of emergency" when a civil disturbance exists. Requires trustees and regents to adopt and distribute rules of conduct and penalties. Permits forfeiture of financial aid for those involved in disorders.

S.B. 496 - Provides up to $500 fine or imprisonment up to one year or both for willful obstruction or attempted obstruction of any student or teacher seeking to attend or instruct classes.

S.B. 1382 - Provides up to $5000 fine or 5 years imprisonment or both for threatening to inflict an injury upon any officer or employee of any public or private educational institution.

Colorado

H.B. 1016 - Provides criminal penalties to those willfully impeding staff or faculty in the performance of their duties or students in the lawful pursuit of their educational activities at

Colorado (continued)

any college or university in the state. College administrators are empowered to remove or have removed persons disrupting the institution or those threatening or inciting others to disrupt the college. Maximum penalty is a fine of $500 or one year's imprisonment or both.

Connecticut - No legislation enacted, but out-of-state tuition was increased as a result of some incidents at the University of Connecticut.

Delaware - House Substitute for H.B. 218. Makes it a misdemeanor to block entry to or exit from a public building.

Florida

S.B. 820 - Requires the Board of Regents to adopt rules and regulations to discipline members of the college community who interfere with the orderly functioning of their college campus.

S.B. 821 - Provides for fines of up to $500 and imprisonment up to six months for persons disrupting any educational institution.

S.B. 824 - Defines lawful aims of universities.

S.B. 989 - Provides for suspension following an administrative hearing of students arrested for possession of certain drugs, central nervous system stimulants, and barbituates. Any student expelled under this act may not be readmitted for two years to a state-supported school.

The Legislature also enacted a bill defining disruptive activities and wrote into the appropriations bill a provision that no state funds can be used for financial aid to students convicted of disrupting universities and junior colleges, and an additional provision that no state funds can be used to pay the salaries of students, faculty, or other employees of the universities who advocate the overthrow of the federal or state governments or state university administration by force or violence, or who advocate with clear intent the disruption of the university.

Georgia - No legislation enacted.

Hawaii - No legislation enacted.

Idaho

H.B. 296 - Makes it unlawful for any person to unlawfully seize or take over any building on any campus of any institution of higher education. Also applies to those who prevent freedom of movement or entry to and exit from the campus.

Illinois

H.B. 1894 - Requires state-supported colleges and universities to formulate and enforce a policy on campus demonstrations.

S.B. 191 - Provides for the immediate revocation of any scholarship funded wholly or in part by the state if the holder of the scholarship participates in an unlawful disturbance. No court conviction is required, but the chief executive officer must make the determination, and machinery for a hearing is provided.

S.B. 331 - Establishes crimes of criminal damage, criminal trespass, and unauthorized possession of weapons on state property. Under the trespass section of the law a person must leave the premises after a notice to depart. Makes it a crime to possess, among other things, a firearm, bludgeon, blackjack, sand bag, switchblade knife, or explosive or noxious substances without the permission of the chief security officer.

S.B. 1144 - Establishes a new crime of interference with an institution of higher education, which includes interfering with the movement of a person or one's use of facilities and obstruction of duties of an employee at an institution of higher education.

Indiana

H.C.R. 22 - Instructs the trustees of the four state universities to enact a code of conduct and behavior for students, faculty, and staff.

Two bills also became law. One redefines the powers and duties of the trustees of a university and clarifies their authority. The second (H.B. 1257) makes it a misdemeanor to remain on the property of an educational institution after being asked to leave by an appropriate person.

Iowa

An "anti-riot" amendment was added to the State Board of Regents operating appropriations bill providing that no part of the appropriation shall be used for assistance to any student or teacher convicted of riot activity.

Kansas

SCR 18 - Encourages the students, faculty, and administrative personnel at each of the state colleges and universities to maintain an environment for the orderly expression of protest and dissent. Authorizes and directs the separation of any person expressing their dissenting opinions in a violent or disruptive manner or who disrupts the orderly processes of an academic community.

Kentucky - No legislative session in 1969.

Lousiana

Act 58 - Prohibits interference with normal educational processes at institutions of higher learning and sets penalties for violations.

Act 59 - Provides for expelling students who participate in campus disorders.

Act 176- Declares the public policy of the state with respect to riots and other unlawful disorders.

Maine - No legislation enacted.

Maryland

S771 - Provides that persons who are not students, staff or faculty of state colleges may be denied access to such institutions if they are acting in a disruptive manner.

Massachusetts - Two similar laws were enacted in 1969. One prohibits carrying loaded or unloaded firearms on college campuses except by authorized personnel. The other outlaws Molotov cocktails without specifically mentioning college campuses.

Michigan - Under a new Michigan statute, students convicted of crimes or violations of city ordinances or university rules in the course of campus violence would become ineligible for state scholarships or tuition grants.

Minnesota - A law enacted in 1969 makes it a gross misdemeanor to interfere with access to a public building.

Mississippi - No legislative session in 1969.

Missouri - No legislation enacted.

Montana - No legislation enacted.

Nebraska - No legislation enacted, with the exception of a general statute affecting riots and civil disorders.

Nevada -

S.B. 139 - Outlaws the commission of an act in a public area which interferes with the peaceful conduct of activities in the area.

New Hampshire

H.C.R.-13 - Recommended to faculty and student government officials that they "continue their commendable attitudes" within the framework of the state's legal and constitutional processes and pledged the Legislature's support of any appropriate action needed to continue orderly education in New Hampshire.

New Jersey

A-705 - Prohibits fireams on college campuses.

ACR-86 - Directed the legislative education committees to hold public hearings on the "operational programs" of Rutgers University. The resolution was prompted by a building takeover.

New Mexico

H 256 - This legislation, which made it a misdemeanor for any person in or around a college, university, or school to interfere by force or violence with any administrator, faculty member, or student in the performance of his normal duties or studies, was declared unconstitutional by a state court.

New York

A 6610-A - Requires all colleges to adopt rules and regulations for the maintenance of public order and an enforcement program.

A 7148 - Bans firearms from college campuses.

The Legislature also created a temporary state commission to study the causes of student unrest.

North Carolina

H 321 - Omnibus riots-civil disorders bill. Includes a provision under which the head of an institution can seek injunctive relief from the courts in the event of a campus disorder.

H 802 - Prohibits outsiders on campus during university-declared curfews.

S 832 - Authorizes the governor to order public buildings evacuated during emergencies.

H 134 - Increases the punishment for sit-ins in public buildings.

H 985 - Provides for immediate termination of state scholarships or grants to students convicted of a serious crime committed during a campus disorder.

North Dakota

H.B. 99 - Directs the State Board of Higher Education to establish rules for maintenance of law and order at state colleges and universities, including regulations providing for the expulsion of any student who willfully obstructs normal administration of college. The president of an institution is directed to file criminal complaints against any person who willfully damages college property.

Ohio - No legislation enacted.

Oklahoma - Two acts were passed during 1969. A general anti-riot law makes it a felony for four or more persons to engage in disturbances. Those convicted could serve up to ten years. Another act makes it a misdemeanor for any person not a student to refuse to leave a campus during a disturbance.

Oregon - H.B. 1880 gives the governor emergency powers during a disturbance to bar outsiders from a campus.

Pennsylvania

Act 116 - Increases the maximum amount for student loans, but the state may deny loans to students convicted of serious crimes, students who have been expelled, dismissed or denied enrollment because of refusing to obey a lawful order during a disturbance, or who have been convicted of any offense when they interfered with the orderly conduct of college classes and other activities.

S.R. 14 - Provided for the establishment of a Senate committee to investigate conditions giving rise to student militancy.

Rhode Island - No legislation enacted.

South Carolina

Act 277 - Makes entering any private or public school or college for the purpose of destroying records or other property a misdemeanor.

Act 278 - Makes carrying or displaying a firearm in any private or public school or college a misdemeanor.

Act 280 - Provides that no person shall manufacture or possess any object to cause damage by fire. Those violating the act shall be deemed guilty of a misdemeanor.

South Dakota - No legislation enacted.

Tennessee

S 376 - Provides that it shall be a misdemeanor for a person who interferes with, or tends to interfere with, the normal conduct of activities to refuse to leave a public college or university if directed to do so by the chief administrative officer. Also makes it a misdemeanor to obstruct the ingress or egress of persons at a public college or university, and a felony to incite others or to participate in a public disturbance which constitutes a breach of peace or results in, or should reasonably be expected to result in, injury to persons or damage to property.

Texas

H.B. 57 - Replaces disorderly conduct statute that was ruled unconstitutionally vague.

H.B. 141 - Prohibits disruption and unlawful assembly on property of public and private schools and colleges.

H.B. 1450 - Prohibits as a felony the possession of firearms on a college campus.

Utah

S.B. 112 - Delcares unlawful acts interfering with peaceful conduct of the activities of any state university or college. Failure to leave a campus after being advised by the chief administrator or his designate to cease violating any rule or regulation of the college is prohibited. Destruction of the property of an institution of higher education is classified a misdemeanor. Public colleges or universities are also authorized to call for assistance from local law enforcement agencies. The local authorities shall serve under the control of the institution's chief administrative officer.

S.B. 117 - Authorizes police departments at state educational institutions.

Vermont - No legislation enacted

Virginia - No regular session of Legislature in 1969.

Washington

Chapter 7 - Any person who occupies a building without being licensed or privileged to do so shall be guilty of criminal trespass, a misdemeanor. The act is general and not limited in its application to colleges and universities.

Another new statute, which is a repeat of a federal statute dealing with N.D.E.A. loans, affects state aid to students who disrupt.

West Virginia

H.B. 617 - Provides criminal penalties for riots and unlawful assemblings.

Wisconsin

Chapter 26 - Prohibits a person convicted of a crime arising from obstruction at the university, or a person who has been expelled or suspended for such conduct, from reentering that institution without permission from the administrative head of that institution.

Chapter 27 - Prohibits the use of sound amplifying equipment on the grounds of the university without permission of the administrative head or chancellor of that campus.

Chapter 89 - Authorizes the administrative head or chief security officer of a campus to designate closed periods during which only specifically authorized personnel, in addition to students, faculty, and staff, are allowed to be present.

Wyoming - No legislation enacted.